IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 258/1995

KUNDA LAL Vs. STATE OF RAJASTHAN

DATE: 16.01.2007.

HON'BLE MR. K.S. RATHORE, J.

None present for the accused-petitioner.
Mr. Ashwani Kumar Sharma, PP for the State.

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This revision petition under Section 397 r/w Section 401 Cr.P.C. is directed against the judgment dated 20.05.95 passed by the Special Judge & Additional Sessions Judge, Dholpur in Criminal Appeal No. 1/95, whereby he upheld the judgment dated 13.07.93 passed by the Chief Judicial Magistrate, Dholpur in Criminal Case No. 156/86, by which the accused-petitioner has been convicted and sentenced as under:-

Under Section 279 IPC	R.I. for one month and a fine of Rs. 100/-, in default of payment of fine to further undergo R.I. for 15 days.
Under Section 338 IPC	R.I. for three months and a fine of Rs. 500/-, in default of payment of fine to further undergo R.I. for one month.
Under Section 304-A IPC	R.I. for six months and a fine of Rs. 1,000/-, in default of payment of fine to further undergo R.I. for three months.

All the sentences were ordered to run concurrently.

I have considered the averments made in the revision petition, heard learned Public Prosecutor for the State and have also gone through the impugned judgments as well as the relevant record.

Considering the averments made in the revision petition and looking to the facts that the accused-petitioner is facing trial since 1985 and had already remained in custody for about 25 days and keeping in view the law laid down by Hon'ble the Supreme Court in the case of ***State of Maharastra Vs. Jagmohan Singh Kuldeep Singh Anand & Others, reported in 2004(7) SCC 659,*** the accused-petitioner deserves to be let off on the period already undergone by him but the fine imposed upon him is required to be enhanced to meet the ends of justice.

In the result, the present revision petition is partly allowed and the conviction of the accused-petitioner Kunda Lal S/o Ninuaram under Sections 279, 338 and 304-A IPC is upheld and confirmed but the sentence of imprisonment imposed upon him is reduced to the period already undergone by him and the total fine is enhanced to Rs. 10,000/-, in default of payment of

fine the petitioner will have to undergo the sentence as awarded by the Appellate Court.

(K.S. RATHORE),J.

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